

ORDINANCE 122467

AN ORDINANCE relating to historic preservation, imposing controls upon Fire Station #38, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements and objects having historical, cultural, architectural, engineering or geographic significance; and

WHEREAS, the Landmarks Preservation Board ("the Board"), after a public meeting on December 1, 2004, voted to approve the nomination of the improvement known as Fire Station #38 and the parcel of property on which the improvement is located at 5503 33<sup>rd</sup> Avenue Northeast in Seattle (the improvement and the property are collectively referred to as Fire Station #38 for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting in January, 2005 the Board voted to approve the designation of Fire Station #38 under SMC Chapter 25.12; and

WHEREAS, on September 21, 2005, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board ("the Board") of the improvement known as Fire Station #38 and the parcel of property on which the improvement is located at 5503 33<sup>rd</sup> Avenue Northeast in Seattle (the improvement and the property are collectively referred to as Fire Station #38 for the purposes of this ordinance), is hereby acknowledged.



1           A.     Legal Description. Fire Station #38 is located on the property legally described as:

2                     Lots 14 and 15, Block 8, University View Addition to the City of Seattle,  
3                     according to the Plat thereof, recorded in Volume 13 of Plats, page 96, records of King  
4                     County, Washington.

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6           B.     Specific Features and/or Characteristics Designated. Pursuant to SMC  
7     25.12.660A2, the following specific features and/or characteristics of Fire Station #38 are  
8     designated:

- 9  
10           1.    The exterior of building known as Fire Station #38,  
11           2.    The parcel of property legally described above, located at 5503 33<sup>rd</sup> Avenue  
12                     Northeast in Seattle, on which the improvement known as Fire Station #38 is  
13                     located.

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15           C.     Basis of Designation. The designation was made because Fire Station #38 has  
16     significant character, interest or value as a part of the development, heritage or cultural  
17     characteristics of the City, state or nation, it has integrity or the ability to convey its significance,  
18     and because it satisfies the following from Section 25.12.350:

- 19           1.    It is associated in a significant way with a significant aspect of the cultural,  
20                     political, or economic heritage of the community, city, state or nation. (SMC  
21                     25.12.350C)  
22  
23           2.    It embodies the distinctive visible characteristics of an architectural style, period,  
24                     or of a method of construction. (25.12.350D)  
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- 1           3. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is  
2           an easily identifiable visual feature of its neighborhood or the City and contributes  
3           to the distinctive quality or identity of such neighborhood or the City. (SMC  
4           25.12.350F)

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6           Section 2. CONTROLS: The following controls are hereby imposed on the features and  
7           characteristics of Fire Station #38 that were designated by the Board for preservation:

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9           A. Certificate of Approval Process.

10           1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a  
11           Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the time for  
12           denying a Certificate of Approval must have expired, before the owner may make alterations or  
13           significant changes to the following specific features or characteristics:

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15           a. The exterior of the building known as Fire Station #38.  
16           b. The parcel of property legally described above, located at 5503 33<sup>rd</sup> Avenue  
17           Northeast in Seattle, on which the improvement known as Fire Station #38 is  
18           located.

19           2. No Certificate of Approval or approval by the City Historic Preservation  
20           Officer(CHPO) is required for the following:

- 21           a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.  
22           b. Minor landscaping including the removal/addition of trees under six (6) inches  
23           in caliper, shrubs, perennials and annuals.  
24           c. Removal of impervious surface in the south and west yards of the building and  
25           replacement with grass and/or plant materials.  
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2 B. City Historic Preservation Officer (CHPO) Approval Process.

3 1. The CHPO may review and approve the items listed in Section 2.B.3 of this  
4 Ordinance according to the following procedure:

5 a. The owner shall submit to the City Historic Preservation Officer (CHPO) a

6  
7 written request for the alterations, including applicable drawings and/or  
8 specifications.

9 b. If the CHPO, upon examination of submitted plans and specifications,  
10 determines that the alterations are consistent with the purposes of SMC  
11 chapter 25.12, the alterations shall be approved without further action by  
12 the Board.

13 c. If the CHPO does not approve the alterations, the owner may submit  
14 revised materials to the CHPO, or apply to the Board for a Certificate of  
15 Approval under SMC chapter 25.12, as provided in Section 2.A.  
16

17 2. The CHPO shall transmit a written decision on the owner's request to the owner  
18 within 14 days of receipt of the request. Failure of the CHPO to approve or disapprove the  
19 request shall constitute approval of the request.  
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21 3. CHPO approval for the changes or alteration to the designated features of  
22 characteristics of the landmark described in Section 1.B of this Ordinance, is available for the  
23 following:  
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- a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, wiring, and other similar mechanical elements necessary for the normal operation of the building.
- b. Seattle Fire Department training equipment attached to designated features.

Section 3. INCENTIVES. The following incentives are hereby granted on the features and characteristics of Fire Station #38 that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, SMC chapter 22.100 and the Energy Code of the City, SMC chapter 22.700 may be authorized pursuant to the applicable provisions thereof.

C. Special tax valuation for historic preservation may be available under Chapter 84.26 RCW upon application and compliance with the requirements of that statute.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. Fire Station #38 is hereby added to the Table of Historical Landmarks contained in SMC Chapter 25.32.

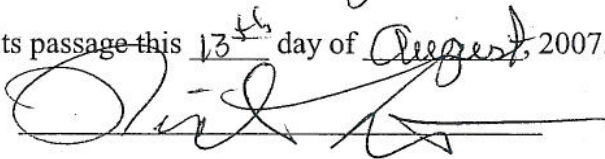
Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Director of Records and Elections, deliver two certified copies to the City Historic



1 Preservation Officer, and deliver one copy to the Director of the Department of Planning and  
2 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of  
3 the landmark.

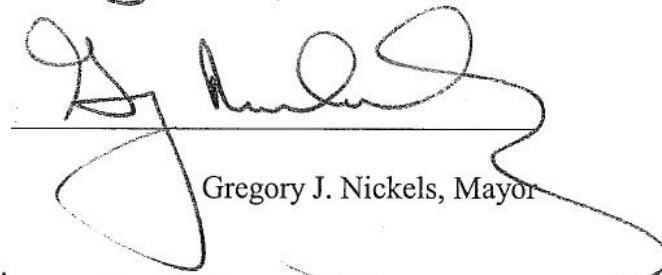
4 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
5 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
6 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the 13<sup>th</sup> day of August, 2007, and signed by me in open  
9 session in authentication of its passage this 13<sup>th</sup> day of August, 2007.



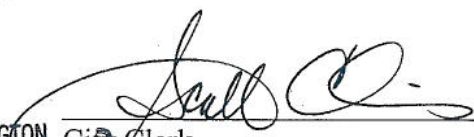
11 President \_\_\_\_\_ of the City Council

12  
13 Approved by me this 22<sup>nd</sup> day of August, 2007.



Gregory J. Nickels, Mayor

18 Filed by me this 22<sup>nd</sup> day of August, 2007.



22 (Seal) STATE OF WASHINGTON City Clerk  
COUNTY OF KING JSS  
CITY OF SEATTLE

23 I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE DO HEREBY  
24 CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT  
COPY OF Ordinance 122467

25 AS THE SAME APPEARS ON FILE AND OF RECORD IN THIS DEPARTMENT.

26 IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED  
THE SEAL TO THE CITY OF SEATTLE. THIS 25<sup>th</sup> October 2007

JUDITH E. PIPPIN  
CITY CLERK

27 BY   
28 DEPUTY CLERK

